

REMARKS/ARGUMENTS

Upon entry of the above amendment, claims 16-28, and 35-44 will have been canceled without prejudice or disclaimer. In view of the above, Applicant respectfully requests reconsideration of the outstanding objection and rejections of the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided, and for the indication of the allowability of claims 1-15 and 29-34. Applicant also notes with appreciation the Examiner's acknowledgment of Applicant's Information Disclosure Statement filed in the present application on February 28, 2005 by the return of the initialed and signed PTO-1449 Form, and for consideration of the documents cited in the Information Disclosure Statement.

Turning to the merits of the action, the Examiner has objected to claims 21-28 and 37-44 under 37 C.F.R. § 1.75 as being substantial duplicates of claims 1, 5, 6, 10, 11, 15, 16, 20 and 29-36, respectively. The Examiner also has rejected claims 16-20, 27, 28, 35, 36, 43 and 44 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,710,894.

As noted above, Applicant has canceled claims 16-28 and 35-44 without prejudice or disclaimer. Thus, Applicant respectfully submits that the objection and the rejection have thus been rendered moot. Nevertheless, Applicant directs the Examiner's attention to the remarks directed to these issues in the response filed on February 28, 2005 as well as in the interview of January 25, 2005, and reiterates the remarks.

Applicant respectfully notes that the cancellation of the claims has been done merely to advance the prosecution of the present application and thus should not be taken as an acquiescence in the appropriateness of the objection and the rejection. Further, Applicant expressly reserves the right to submit claims of a corresponding scope in another application. Thus, the cancellation of the claims in the present application is without prejudice or disclaimer.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding objections and rejections, and requests an indication of the allowability of all the claims pending in the present application, in due course.

Applicant further notes that the status of the present application is after final rejection. Nevertheless, entry of the present amendment is submitted to be appropriate under the provisions of 37 C.F.R. § 1.116. In particular, by canceling all of the objected and rejected claims, no new issues are raised. On the contrary, the case is clearly placed in condition for allowance.

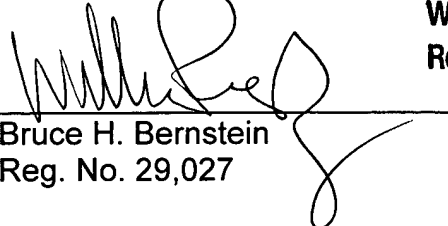
SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has canceled some objected to claims and some rejected claims without prejudice or disclaimer. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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